

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PENNSYLVANIA PUBLIC	:	CIVIL ACTION
INTEREST RESEARCH GROUP	:	
	:	
v.	:	
	:	
TINICUM TOWNSHIP DELAWARE COUNTY	:	
SEWAGE AUTHORITY, and	:	
TINICUM TOWNSHIP	:	NO. 02-2625

**ORDER OF APPROVAL AND ENTRY OF CONSENT DECREE**

AND NOW, this 24<sup>th</sup> day of June, 2003, upon consideration of the joint motion of Pennsylvania Public Interest Research Group (“PennPIRG”) and Tinicum Township Delaware County Sewage Authority and Tinicum Township (collectively “Tinicum”), for the entry of a Consent Decree (Document No. 13) and having made the following findings and conclusions from the submissions of the parties and the entire record:

1. PennPIRG commenced this action on May 1, 2002 by filing a Complaint against Tinicum alleging claims pursuant to the Federal Water Pollution Control Act, 33 U.S.C. § 1251, et seq., (the “Clean Water Act”) and the Pennsylvania Clean Streams Law, 35 P.S. § 691.601, et seq.

2. Tinicum filed an Answer to the Complaint, denying the material allegations and asserting affirmative defenses.

3. Following lengthy arms length negotiations, on June 13, 2003 the parties entered into a proposed Consent Order to settle all claims asserted in this action. (Exhibit to Joint Motion).

4. In accordance with § 505(c)(3) of the Clean Water Act, 33 U.S.C. § 1365(c)(3),

by letter dated April 3, 2003, the parties submitted to the Attorney General of the United States and the Administrator of the United States Environmental Protection Agency a copy of the aforesaid proposed Consent Order for comments. (Exhibit "A" to Joint Motion).

5. The Attorney General of the United States and the Administrator of the United States Environmental Protection Agency received the proposed Consent Order on April 11, 2003. (Exhibit "B" to Joint Motion).

6. Following the 45-day comment period provided by § 505(c)(3) of the Clean Water Act, the United States Department of Justice submitted comments to the proposed Consent Order by its letter dated May 27, 2003 (Exhibit "C" to Joint Motion). By letter dated May 30, 2003 (Exhibit "D" to Joint Motion), counsel for PennPIRG responded to the comments of the United States Department of Justice, confirming that the United States has no objection to entry of the proposed Consent Decree provided that counsel for Tinicum provide the United States with a copy of the affidavit to be supplied to the Pennsylvania Department of Environmental Protection pursuant to Section VIII..3. of the proposed Consent Order, certifying that the community environmental project to be completed by Tinicum pursuant to the terms of the proposed Consent Order has been completed.

7. Having reviewed the proposed Consent Order of June 13, 2003, this Court concludes that the settlement of this matter in accordance with the terms of the proposed Consent Order is fair and reasonable and in the public interest, and the United States has no objections to the entry of the proposed Consent Order.

Accordingly, it is hereby **ORDERED** that:

A. The Consent Order dated June 13, 2003 is approved by the Court, incorporated herein and adopted by the Court herewith, as part of this decree;

B. The Court shall, at the request of the parties (see Consent Decree Paragraph XIII, Dispute Resolution) retain jurisdiction for purposes of enforcing the terms of the Decree.

**IT IS FURTHER ORDERED** that the Clerk shall docket the Consent Order of June 13, 2003 as approved, ordered and signed by the Court as a separate document.

The Clerk is also directed to close this file for statistical purposes.

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LOWELL A. REED, JR., S.J.